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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/995,634 | 11/29/2001 | Benjamin V. Smith | 20009.0025US01 | 1657 |

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EXAMINER

LE, KAREN L

| ART UNIT | PAPER NUMBER |
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2642

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,634

Applicant(s)

SMITH, BENJAMIN .V.

Examiner

Karen L. Le

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on August 23, 2005 has been entered. Claims 31 and 33 have been amended. Claims 1-30 have been cancelled. No claims have been added. Claims 31-38 are still pending in this application, with claims 31, 33 and 36 being independent. This action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masek (U. S. 5,272,749) in view of Riskin (U.S. 4,757,267)

Regarding claims 31, 33, and 36 Masek teaches a method for providing subscription code services in a geographical area (col. 3, lines 44-47), the method comprising:

allocating a plurality of subscription codes (Col. 2, lines 32-40, ex. 511-CAR CITY, Col. 12, lines 3-9, ex. AEX#) for the services; provisioning a trigger at each of at least one switch within the geographical area, wherein the trigger is adapted to detect calls initiated by callers using one of the subscription codes (Col. 3. lines 65-68 and col.

4, lines 1-4); querying a controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch (Col. 4, lines 8-9); wherein the telephone number is substantially permanently assigned to the subscription code (Col. 15, lines 22-25); and terminating the call using the retrieved the telephone number (col. 3, lines 35-55). If there are a plurality of retrieved telephone numbers, then offering the caller a selection of one of the retrieved telephone numbers corresponding to the same originating region, presenting to the caller a list of subscribers associated with the subscription code, receiving one telephone number corresponding to a subscriber that has been chosen by the caller from the list (Col. 19, lines 64 – Col. 20, lines 70). Masek does not teaches determining an originating region from which the call was initiated; retrieving at least one telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code and the originating region determined for the call. However, Riskin teaches determining an originating region from which the call was initiated; retrieving a telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code and the originating region determined for the call (Abstract, lines 1-10). Riskin teaches a comparison is performed between the telephone number of the potential customer and the data in the file to find 1-3 selected dealers nearby to the potential customer. The system then automatically dials the telephone number of the closest dealer thereby routing the potential customer directly to a nearby dealer who can provide the products

Art Unit: 2642

to that customer. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Riskin's feature to Masek's system to retrieve a telephone number based at least in part on the subscription code and the originating region determined for the call. Identifying the originating telephone number of the caller is old and popular in telecommunication field.

Regarding claim 32, Masek further teaches wherein the originating region is determined based on one or more of an NPA-NXX designation, an originating point code, and a zip code associated with the caller (Col. 2, lines 1-6).

Regarding claims 34-35, Masek does not teach the condition is related to a time at which the call was initiated and day of week the call was initiated. However, Riskin teaches the condition is related to a time at which the call was initiated and day of week the call was initiated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Riskin's feature to Masek feature to provide better service (Col. 27, lines 15-25).

Regarding claim 37-38, Masek does not teach the presenting step involves a prerecorded announcement. The presenting and receiving steps are performed by one or both of a service node and the switch. However, prerecorded announcement, service node and switch are well know in telecommunication system.

Response to Arguments

4. Applicant's arguments filed on August 23, 2005 have been fully considered but they are not persuasive.

As to Applicant's Remarks, Applicant mainly argues that Riskin does not disclose or suggest determining an originating region from which the call was initiated, and Masek does not disclose more than one resulting subscriber telephone number. Examiner respectfully disagree for the following reasons: Riskin does disclose an originating region from which the call was initiated (Abstract, Col. 6-10). Riskin teaches when a call arrives at the service center, an operator will query the caller as to the product of inquiry and as to the caller's location. Determination of caller's location will define the particular subsection of the selected dealer list to be searched. Masek does disclose more than one resulting subscriber telephone number (Col. 19, lines 64-68). Masek teaches the use and linking of more than one subscriber-created telephone number with respect to a single assigned telephone number and that the system further permits a single subscriber-created telephone number to be linked to different assigned numbers as directed by the originating switch sequence of dialed digits.

For the above reason, Masek and Riskin are maintained for supporting the enclosed Examiner's final action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 571-272-7487. The examiner can normally be reached on 8am-5pm.

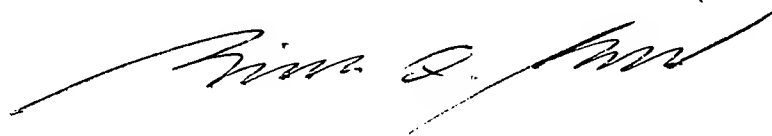
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Ie
KLL

November 28, 2005

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

**BING Q. BUI
PRIMARY EXAMINER**